

REMARKS

Receipt of the Office Action of October 8, 2004 is gratefully acknowledged.

The examiner has noted that a certified copy of the priority application has not as yet been filed. The certified copy will be filed in accordance with the provisions of 37 CFR 1.55.

The title of the invention has been amended to conform to the examiner's requirement.

Regarding the IDS filed, it is respectfully submitted that the examiner's interpretation of MPEP 609 A(1) is misplaced. The controlling Rule for the contents of an IDS is indeed 37 CFR 1.98. It is indeed also correct that MPEP 609 A(1) states that the "identification requirements of 37 CFR 1.98(b) may not be incorporated into the specification...", but this does not address the propriety of identification of *prior art* in the specification so long as it is not attempting to duplicate 37 CFR 1.98(b).. What is placed in the specification is controlled by 35 USC 112, not 37 CFR 1.98(b).

If the IDS is proper, then it should be considered regardless of what is in the specification. If an IDS had not been filed in this case, would the BACKGROUND OF THE INVENTION discussion have been ignored? It is hoped not.

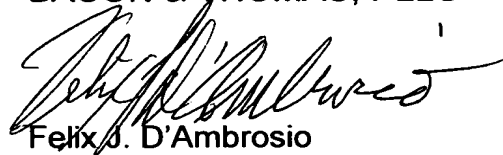
Finally, a terminal disclaimer and fee are being submitted herewith to overcome the double patenting rejection.

U.S. Pat. Appl. 10/688,983

In view of the above arguments and further amendments to the claims, applicant respectfully requests reconsideration and allowance of all the claims which are currently pending in the application.

Respectfully submitted,

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